

**REMARKS**

Claims 1-10 are all the claims pending in the application.

Claims 1, 4, and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kim et al (USP 6,438,119).

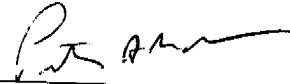
Applicant thanks the Examiner for indicating that claims 6-9 are allowed and that claims 2, 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant submits that claims 1, 4 and 10 are not anticipated by Kim et al at least because Kim et al fails to disclose a preliminary decoding part for decoding input data into preliminarily decoded data according to each of the possible frame lengths by outputting path selection data calculated based on the input data and a standard level and tracebacking the path selection data.

At least for this reason, Applicant respectfully requests reconsideration and allowance of this application. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

CUSTOMER NUMBER

Date: June 24, 2008